

Remarks

This communication responds to the Office Action mailed April 3, 2008 for the application captioned above. By this amendment, claims 5, 12, 14, 17 and 24 are cancelled, without prejudice or disclaimer of the subject matter therein, and claims 1, 3, 6, 11, 13, 15, 18, 23, 25 and 29 are amended for clarification. The following remarks are respectfully submitted

§112 Rejection

Claims 12 and 14, stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has cancelled claims 12 and 14, without prejudice or disclaimer of the subject matter therein, rendering the rejection of claims 12 and 14 moot.

§102 Rejection

Claims 1, 3, 5, 7, 11-15, 17, 19, 23-25 and 28-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Putz (US 4,903,702). Applicant has cancelled claims 5, 12, 14, 17 and 24, without prejudice or disclaimer of the subject matter therein, rendering the rejection of these claims moot. Applicant respectfully traverses the rejection of claims 1, 3, 7, 11, 13, 15, 19, 23, 25 and 28-29, asserting that Putz neither teaches nor suggests every limitation of the claims.

Independent claim 1 defines a paddle of a medical lead that includes, *inter alia*, at least one electrode, of an electrode array, located on an imaginary longitudinal center line defined by the paddle, and an orientation marker that is displaced both from the longitudinal center line and from the at least one electrode. Independent claim 13 defines a paddle of a medical lead that includes, *inter alia*, an electrode array, which is located on an imaginary longitudinal centerline of defined by the paddle, and an orientation marker this displaced both from the longitudinal center line and from the electrode array. Claim 25 defines a method of use of a medical lead, which includes the steps of implanting a lead, fluoroscopically viewing an orientation marker, which is provided on a paddle of the lead, and then determining a direction in which a first major surface of the paddle faces, based on a location of the fluoroscopically viewed marker, with

respect to a longitudinal center line of the paddle; an electrode array of the paddle is defined by claim 25 to be located on the longitudinal center line, while the marker is defined to be displaced both from the longitudinal center line and from the electrode array. In each of claims 1, 13 and 25 at least one electrode of the electrode array is defined to be exposed through a first major surface of the paddle and insulated by a second major surface of the paddle, so that the at least one electrode has directional electrical field properties. Support for claims 1, 13 and 25 may be found, for example, in paragraphs [0065]-[0068] on page 4 of the publication of the originally filed application (US 2004/0260310 A1); and, with reference to paragraph [0065], the location of a marker 67, which is one of several embodiments of the orientation marker included in claims 1, 13 and 25, is said to provide an indication to physicians of which direction the paddle 62 faces, when implanted, since the lead 50, which includes the paddle 62, may become flipped or twisted during implantation. Thus, the physician can determine whether the surface of the paddle, through which the electrodes 66 are exposed, is properly directed, in order to provide stimulation to the intended tissue at a particular implant site, or if the lead 50 needs to be flipped in order to re-direct the surface of the paddle 62 toward the intended tissue at the implant site.

The Examiner has likened the radiopaque markers 34 and 46 of Putz to the orientation marker of the rejected claims, yet with reference to column 3, lines 11-19 and lines 52-59, to column 5, lines 40-45 and to column 6, lines 23-40, of Putz, along with Figures 2, 4 and 5, where Putz shows markers 34 and 46, it can be appreciated that the markers of Putz are located adjacent to corresponding electrodes/contacts 20, 40, 42, etc..., in order to facilitate fluoroscopic viewing of the location of the corresponding contacts. The markers of Putz are not displaced from both the contacts/electrodes and a longitudinal center line of the corresponding strip or grids electrodes 10, 12, 14, as is the orientation marker of each paddle defined in claims 1, 13 and 25 of the present application. Putz is concerned with defining the locations of contacts/electrodes by augmenting the radiopacity thereof with the markers, thus it would defeat the purpose of Putz to displace a marker from a contact/electrode in a manner defined for the paddle of claims 1, 13 and 25.

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 3, 7, 11, 13, 15, 19, 23, 25 and 28-29.

§103 Rejections

Claims 4, 16 and 27 stand rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Putz (US 4,903,702). Applicant respectfully traverses the rejections of claims 4, 16 and 27, based upon the argument presented above for independent claims 1, 13 and 25, and respectfully requests that the Examiner withdraw the rejection of claims 4, 16, and 27.

Claims 6, 8-9, 18 and 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Putz (US 4,903,702). Applicant respectfully traverses the rejections of claims 6, 8-9, 18 and 20-21, based upon the argument presented above for independent claims 1 and 13, and respectfully requests that the Examiner withdraw the rejection of claims 6, 8-9, 18 and 20-21.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. Applicant believes no fee is due to enter the present Amendment. The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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